

**NEBRASKA STATE BOARD OF HEALTH MEETING**  
**DRAFT MINUTES – September 20, 2021**

**ATTENDANCE NOTIFICATION.** The Chair, Dr. Doug Vander Broek, called a regular meeting of the State Board of Health to order at 1:00 PM on September 20, 2021 in Conference Room Lower Level B of the Nebraska State Office Building in Lincoln. Copies of the agenda were mailed electronically to board members and other interested parties prior to the meeting, and posted on the Health and Human Services website. The following members were present: Joel Bessmer, MD; Russell Crotty, OD; Shane Fleming, MSN, RN; Diane Jackson, APRN (by telephone); Michael Kotopka, DDS; John Kuehn, DVM; Donald Ostdiek, DPT; Mark Patefield, PharmD; Daniel Rosenthal, PE; Robert (Bud) Synhorst; Timothy Tesmer, MD; Doug Vander Broek, DC; Joshua Vest, DPM. Quorum met. Staff and others in attendance: Matt Gelvin, Monica Gissler; Marla Scheer. Board members not in attendance: Colton Palmer, PMHNP; David Reese; Dan Vehle

**APPROVAL OF AGENDA.** Dr. Vander Broek asked if there were any changes to the agenda for the meeting today and the minutes from June 14, 2021. Dr. Bessmer made a motion to approve the agenda, seconded by Dr. Tesmer; voting yes: 13 (Bessmer, Crotty, Fleming, Jackson, Kotopka, Kuehn, Ostdiek, Patefield, Rosenthal, Synhorst, Tesmer, Vander Broek, Vest); voting no: 0; not voting: 0. Motion carried.

**UPDATES, REPORTS**

Public Health Update – Mr. Gelvin gave an update on the physical move of the DHHS Division of Public Health, and highlighted some staff changes with the recent reorganization. He no longer serves as Executive Administrator of the Board of Health, but he will still be involved with the Board for Credentialing Review matters. Monica Gissler now reports to Caryn Vincent, and the Board of Health has moved with her.

Legislation – Ms. Lowe and Mr. Bartels shared an update on the bills passed, the Interim Studies, and the impact to DHHS. There was a handout on the upcoming legislative studies and hearings.

Board of Health Chair – Dr. Vander Broek reported the following:

1. Professional board meeting attendance:

- Dr. Ostdiek attended the July 22<sup>nd</sup> Board of Physical Therapy meeting.

Members must let Monica know prior to attending a meeting. Upon arrival, make a point of introducing yourself to the Board staff, and then to the full Board as the Board of Health liaison. This applies to both in-person and WebEx meetings.

2. Dr. Matthew Donahue is the Acting State Epidemiologist at the Nebraska Department of Health and Human Services (DHHS). He officially began his new position in June.

3. The Licensure Unit has undergone both a physical move, and some reorganization. Monica is no longer in the Licensure Unit, but she will continue to manage the Board of Health. Marla also has new duties in a different area.

Due to reorganization, today's meeting will be the last for Matt Gelvin, unless he is attending for a Credentialing Review matter. Matt has served for a number of years with the Board. I appreciate the great work Matt and Marla have done for the Board of Health, and hope we can call on them as a resource in the future, if needed. Thank you, Matt and Marla.

4. Caryn Vincent is the new Administrator for the Board of Health. There is a DHHS management retreat today, so Caryn will join us for the November meeting. Caryn is the Organizational Advancement Officer, under the Public Health Director of Operations. Previously she was an advisor to Dr. Anthone and an interim Deputy Director for Public Health.
5. Later today we will set our meeting dates for the 2022 calendar year. I have been informed that there may also need to be a special meeting scheduled for rules and regulations. Best guess at this point is early December.
6. Committee reports will be presented at the November Board of Health meeting. Committee Chairs – please work with your assigned staff to complete these.
7. Thank you to Bryan LGH Medical Center for offering to host our meeting today and for David Reese in facilitating the arrangements. Plans changed as the Covid numbers increased, which is why David is not in attendance today.
8. Board of Health elections will occur at the November 15 meeting. Let Monica know if you would like your name to be on the ballot for Chair, Vice Chair or Secretary.

**Credentialing Review (407) Committee** – Mr. Fleming, Committee Chair, presented.  
<https://dhhs.ne.gov/licensure/Pages/Credentialing-Review.aspx>

- Approve recommendations for Appointments to the Upcoming Optometric Technical Review Committee. We received a Letter of Intent, and expect the application by late October. The Nebraska Optometric Association is requesting to enhance the scope of practice for optometrists by: 1. Allow Doctors of Optometry to perform selective laser trabeculoplasty for the treatment of glaucoma; and 2. Authorize the Board of Optometry to establish additional requirements and qualifications to certify licensees related to the enhanced authority. Mr. Rosenthal volunteer to serve as Chair of the Technical Review Committee.

#### Members of the Public Member Pool

Larry Hardesty, Kearney

#### Members of the Health Professional Pool

Christine Chasek, LIMHP, LADC, Hildreth

David Deemer, Oakland

Rebecca Doctor, MA, ATC, Omaha

Ryan Flugge, RP, PharmD, BCPS, Omaha

Brandon Holt, BSRT (ARRT), Kearney

Jessica (Roberts) Oneel, MS Ed, ATC, Omaha

Sarah Pistillo, Environmental Health Inspector, La Vista

Jeromy Warner, PsyD, LP, Hastings

Marcy Wyrens, RRT, Lincoln

Voting yes: 13 (Bessmer, Crotty, Fleming, Jackson, Kotopka, Kuehn, Ostdiek, Patefield, Rosenthal, Synhorst, Tesmer, Vander Broek, Vest); voting no: 0; not voting: 0. Motion carried.

- Approve recommendations for Appointments to the Upcoming Respiratory Care Technical Review Committee. The application has been submitted, and the Nebraska Society of Respiratory Care is asking for the following changes: Update the definition of respiratory care in section 38-3205 to better clarify the role of a respiratory care practitioner as it relates to the administration of pharmacological agents related to respiratory therapy procedures. Mr. Synhorst volunteered to serve as Chair of the Technical Review Committee.

#### Members of the Public Member Pool

Su Eells, Lincoln

Michael O'hara, J.D., PhD, Omaha

Debra Parsow, Omaha

Stephen Peters, BA, MA, Omaha

#### Members of the Health Professional Pool

Christine Chasek, LIMHP, LADC, Hildreth

Allison Dering-Anderson, PharmD, RP, Omaha

Rebecca Doctor, MA, ATC, Omaha

Ryan Flugge, RP, PharmD, BCPS, Omaha

Brandon Holt, BSRT (ARRT), Kearney

Jessica (Roberts) Oneel, MS Ed, ATC, Omaha

Sarah Pistillo, Environmental Health Inspector, La Vista

Voting yes: 13 (Bessmer, Crotty, Fleming, Jackson, Kotopka, Kuehn, Ostdiek, Patefield, Rosenthal, Synhorst, Tesmer, Vander Broek, Vest); voting no: 0; not voting: 0. Motion carried.

**Rules and Regulations Committee** – Dr. Vest, Committee Chair, reported. Regulations were reviewed with staff during the morning committee meeting.

<https://dhhs.ne.gov/Pages/DHHS-Regulations.aspx>

- 173 NAC 2 – Tuberculosis – Gwen Hurst/Kristin Bertrang, Program Contacts. These regulations clarify who the program serves, eligibility requirements, financial assistance services, payment procedures, and program effectiveness. Laboratory requirements were updated to include genotyping to aid in contact investigations. Procedures were updated. Revisions include updated payment procedures, including application for assistance, approvals, denials, maintenance of client eligibility, termination, and hearing procedures. Contacts and Class B Tuberculosis were included for eligibility for services. Genotyping was added as it reflects the current standard of care.  
The public hearing was held August 17, 2021. There was no opposing testimony.
- 174 NAC 1 – Compilation of Information Submitted on Abortion Reporting and Consent Forms - Sarah Bohnenkamp, Program Contact. Repeal of regulations. The requirement to compile, publish and make available is repetitive language that exists in statute; public access to the compiled information is not changed. The public hearing was held August 16, 2021, with no testimony received.
- 174 NAC 7 – Death, Marriage and Dissolution of Marriage – Sarah Bohnenkamp, Program Contact.  
The proposed revisions update terminology to describe the parties on death, marriage, and dissolution of marriage certificates as gender neutral. The changes reflect equal treatment for same sex marriage as it relates to the registration of vital records events.  
The public hearing was held June 8, 2021, with no testimony received.
- 174 NAC 8 – Report of Induced Abortion – Sarah Bohnenkamp, Program Contact. These regulations implement the provisions for reporting induced abortions, continuing pregnancy after taking Mifepristone, and the registration of the fetal deaths and stillbirths that occurred in Nebraska. The revisions update terminology to describe the parties on stillbirth and fetal death certificates gender neutral. The changes reflect equal treatment for same sex marriage as it relates to the registration of vital records events.  
The public hearing was held June 8, 2021, with no testimony received.

- 174 NAC 9 – Original and Delayed Birth Certificates – Sarah Bohnenkamp, Program Contact. The proposed changes remove all duplicative statutory language and forms. The revisions update the regulations' scope; set the requirements on how to register a birth outside of a facility; set the requirements for denial of filing a certificate of live birth registration that is incomplete; update the Department's authority to deny a deficient application for a certificate of delayed birth registration; specify the requirements to the method of amending certificates and reports; remove all forms from the regulations; remove all duplicative statutory language from the regulations; and update formatting.

The public hearing was held August 30, 2021, with no testimony received.

- 185 NAC 1–11 – Statewide Trauma System – Tim Wilson, Program Contact. The proposed changes eliminate any repeat of statute and any unnecessary requirements. The changes combine all content into 185 NAC 1 and repeals 185 NAC 2 – 11. The proposed changes also comply with the LB 46, August 20, 2015, which required the Department to provide a way for rehabilitation centers and burn centers to apply for designation.

The third public hearing was held May 13, 2021. There were oral or written comments, emails, or letters submitted for this hearing. Four presented testimony in favor and three were in opposition of only two portions of the regulations. Opposition was received regarding the Department maintaining that Board Certified Emergency Physicians must have and maintain Advanced Trauma Life Support certification if the facility is a designated trauma center. Opposition was also received on the decision to allow the Commission on the Accreditation of Rehabilitation Facilities (CARF) to be the only accrediting body for the recognition of Advanced and Intermediate Rehabilitation Centers seeking state designation. The Department, based on advice of the Statewide Trauma Advisory Board, felt both of these were in the best interest for the public and safety of Nebraska.

Dr. Vander Broek asked if anyone wanted any of the regulations separated out for individual voting. Dr. Vest made a Committee motion to approve all proposed rules and regulations with one collective vote. Voting yes: 13 (Bessmer, Crotty, Fleming, Jackson, Kotopka, Kuehn, Ostdiek, Patefield, Rosenthal, Synhorst, Tesmer, Vander Broek, Vest); voting no: 0; not voting: 0. Motion carried.

- UCA Regulation Status Report. At the morning committee meeting, Mr. Vehle and Kris Chiles reviewed the timeline for regulations going through the update process.

**Professional Boards Committee.** Ms. Jackson, Committee Chair, reported. They conducted 30 interviews by telephone on Sunday afternoon, September 19<sup>th</sup>. We continue to need public member applicants.

Board of Advanced Practice Registered Nursing

\* Timothy Glidden, CRNA, MS, from Omaha to the CRNA position

Board of Alcohol and Drug Counseling

\* Lori Cleveland, LADC from Grand Island reappointed to the ADC-only position

Terry Duffy, LADC, from Norfolk to the partial term ADC-only position

Board of Athletic Training

- \* Jessica Roberts, MS Ed, ATC from Omaha reappointed to the AT position
- Board of Chiropractic
  - Brian Stevens, DC, from Omaha to the Chiropractor position
- Board of Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art
  - \* Jacqueline Hornig, from Omaha reappointed to the Salon Owner position
- Board of Dentistry
  - Gene Giles, DDS from Alliance appointed to the Dentist position
- Board of Funeral Directing and Embalming
  - \* Steve Brunken, FDE from Lincoln reappointed to the Funeral Director position
- Board of Massage Therapy
  - \* Steven Carper, MBA, BS, LMT, from La Vista reappointed to the Massage Therapist position
- Board of Medical Radiography
  - Challese Sanchez, RT, CT, from Lincoln appointed to the Medical Radiographer position
- Board of Medicine and Surgery
  - \* Mark Goodman, MD, from Omaha reappointed to the Medical School Faculty position
- Board of Mental Health Practice
  - Rebecca Czaja-Stevens, MSW, LICSW, from Lincoln appointed to the Certified Master Social Worker position
  - Paul Davies, MA, CPC, from Hartington appointed to the Certified Professional Counselor position
- Board of Nursing
  - Lisa Kollasch, DNP, APRN, FNP, from Omaha appointed to the APRN position
  - Brenda Smidt, MS, BSN, RN from Omaha to the Nursing Services Administrator position
- Board of Optometry
  - Jeremiah Baumfalk, OD, from Lincoln appointed to the optometrist position
- Board of Pharmacy
  - Ken Kester, PharmD, JD, from Lincoln appointed to the pharmacist position
- Board of Physical Therapy
  - \* Betsy Becker, PT, DPT, PhD, CLT-LANA, from Omaha reappointed to the physical therapist position
- Physician Assistant Committee
  - \* John Massey, MD
  - Nicole Schwensow, PA-C, MPAS, DFAAPA, from Grand Island appointed to the Physician Assistant position
- Board of Psychology
  - \* Stacy Waldron, PhD, from Lincoln reappointed to the Psychologist position
- Board of Veterinary Medicine and Surgery
  - \* Elizabeth Farrington, DVM, from Omaha reappointed to the Veterinarian position
  - \* Joshua Schlote, LVT, from Norfolk reappointed to the Veterinary Technician position

Teresa Hampton, a DHHS attorney, explained what a conflict of interest would be for a board member. There was also discussion about board members who also serve on a board for their professional association, and differentiating the two roles.

Ms. Jackson made a Committee motion to approve the appointment and recommendations. Voting yes: 13 (Bessmer, Crotty, Fleming, Jackson, Kotopka, Kuehn, Ostdiek, Patefield, Rosenthal, Synhorst, Tesmer, Vander Broek, Vest); voting no: 0; not voting: 0. Motion carried.

We are still seeking public members for Dentistry; Funeral Directors and Embalmers; Hearing Instrument Specialists; and Medical Nutrition Therapy, along with a few professional positions. <https://dhhs.ne.gov/licensure/Pages/Board-Requirements-and-Vacancies.aspx>

**Public Health, Education and Legislation Committee:** Dr. Kuehn, Committee Chair, reported.

- Discussion continued regarding the Board of Health's role with regard to legislation and how we evaluate an introduced bill.
- For the November 15<sup>th</sup> committee meeting, Caryn Vincent will be invited to discuss DHHS Public Health organizational changes and how the Board of Health can best be utilized. This would be a Committee Meeting of the Whole, so all Board of Health members would be invited.
- Dr. Kuehn will send out a survey to Board members about their priorities.

**PUBLIC COMMENTS.** None.

**UNFINISHED BUSINESS.**

- Letter to the Dept. of Education in follow up to the Music Therapy Credentialing Review – Dr. Kuehn. Shane Fleming and Monica Gissler had a teleconference with the applicant group on September 14<sup>th</sup>.

**NEW BUSINESS.**

- Set Board of Health meeting dates for 2022:  
January 24; PHEL Committee will meet January 19 at 1:00 PM  
March 21  
June 13  
September 19; Professional Board interviews on September 18  
November 14

**TOPICS AND PREPARATION FOR NEXT MEETING.** The next regular Board of Health meeting will be November 15, 2021 in Lincoln. Location TBA.

**ADJOURN.** There being no further business, Dr. Bessmer made a motion to adjourn, with a second by Dr. Kotopka; all in favor by voice vote. The meeting adjourned at 1:56 PM. Minutes were taken by Monica Gissler, and are scheduled for approval by the State Board of Health on November 15, 2021.

**NOTE:** If you would like to receive these minutes electronically, please send a request to

the email address below. Please also inform staff if you would like to be removed from this distribution list altogether.

*If you would like any attachments mentioned in these minutes, or have other questions, please contact Monica Gissler, 402/471-2948, or email at: [monica.gissler@nebraska.gov](mailto:monica.gissler@nebraska.gov).*

Board of Health: <https://dhhs.ne.gov/licensure/Pages/Board-of-Health.aspx>

10/6/21, mcg